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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,086	07/28/2005	Hans-Josef Giertz	23302	8607
535 7590 01/14/2008 K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900			EXAMINER RINEHART, KENNETH	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/544,086	Applicant(s) GIERTZ ET AL.	
	Examiner Kenneth B. Rinehart	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 13 is/are rejected.
- 7) ☒ Claim(s) 4, 7-9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzini (5254222) in view of Bright (3197821). Mazzini discloses A seal for a coke-oven door with a chamber having an upwardly closed continuous annular door frame that has an outer planar seal face (24), with a door body (14) securable to the door frame (16), and with an annular comb shaped seal strip (24, 32) fixed on the door body and formed with a seal edge (28) and engaging the door frame when the door is closed, and with slots (32), in that the comb-shaped seal strip is secured by screws (34) and retaining washers (between 34 and 36) on the door body, the comb-shaped seal strip (32) is secured by screws (34) and a retaining bar (26) on the door body, . Bright teaches spaced and dimensioned such that the seal strip can deform to fit the seal edge to irregularities on the seal face (col. 1, lines 29-34, fig. 1) for the purpose of providing an effective seal. It would have been obvious to one of ordinary skill in the art to modify Mazzini by including spaced and dimensioned such that the seal strip can deform to fit the seal edge to irregularities on the seal face as taught by Bright for the purpose of providing an effective seal as the applicant is substituting the spacings of Mazzini for the spacings of Bright to obtain a predictable result. Regarding claim 13 The use of the comb-shaped seal strip according to claim

1 for retrofitting on and repair of an existing coke-oven door (Mazzini (5254222) in view of Bright is capable of performing this function).

Claims 1, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagayoshi in view of Bright (3197821). Nagayoshi discloses a seal for a coke-oven door with a chamber having an upwardly closed continuous annular door frame that has an outer planar seal face (17), with a door body (8) securable to the door frame, and with an annular comb shaped seal strip (3, fig. 15) fixed on the door body and formed with an annular seal edge (fig. 15, fig. 161) engaging the door frame when the door is closed, and with slots (15). Bright teaches spaced and dimensioned such that the seal strip can deform to fit the seal edge to irregularities on the seal face (col. 1, lines 29-34, fig. 1) for the purpose of providing an effective seal. It would have been obvious to one of ordinary skill in the art to modify Nagayoshi by including spaced and dimensioned such that the seal strip can deform to fit the seal edge to irregularities on the seal face as taught by Bright for the purpose of providing an effective seal as the applicant is substituting the spacings of Nagayoshi for the spacings of Bright to obtain a predictable result. Regarding claim 13 The use of the comb-shaped seal strip according to claim 1 for retrofitting on and repair of an existing coke-oven door (Nagoyoshi (5254222) in view of Bright is capable of performing this function).

Allowable Subject Matter

Claims 4, 7-9, 11-12 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

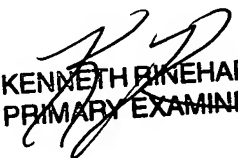
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kbr


KENNETH PINEHART
PRIMARY EXAMINER